

NO. _____

CHRISTIAN VERNON SIMS

§

IN THE COURT OF

§

VS.

§

CRIMINAL APPEALS

§

STATE OF TEXAS

§

OF TEXAS

FILED
 COURT OF CRIMINAL APPEALS
 8/29/2017
 DEANA WILLIAMSON, CLERK

MOTION TO EXTEND TIME TO
FILE PETITION FOR DISCRETIONARY REVIEW

TO THE HONORABLE JUDGES OF SAID COURT:

Now comes Christian Vernon Sims, Appellant in the above styled and numbered cause, and moves for an extension of time of 30 days to file a petition for discretionary review, and for good cause shows the following:

1. On July 20, 2017, the Sixth Court of Appeals affirmed appellant's conviction. Christian Vernon Sims v. State, 06-16-00198-CR. His petition was therefore due on August 20, 2017. This is the first motion for an extension of time to file a petition for discretionary review. There were no motions for rehearing or en banc consideration filed in the Court of Appeals.

2. On July 24, 2017, Counsel mailed a copy of the Court of Appeals' opinion to appellant along with a letter advising him of his right to file a petition for discretionary review in accordance with Tex. R. App. Pro. 48.4. That mailing was sent via certified mail, return receipt requested, and was signed for by an individual in the Joe F. Gurney Unit on July 27, 2017. A copy of the return

receipt is attached hereto. However, on August 24, 2017, the mailing was returned to counsel's office having been marked as "refused". A copy of the returned envelope is attached hereto. Counsel is this same day again mailing the opinion of the Court of Appeals along with the information required by Tex. R. App. Pro. 48.4 to appellant at his last known address in the hope that these materials will reach him.

3. Counsel does not intend to file a petition for discretionary review on appellant's behalf. However, in the interest of justice, counsel requests this extension so that appellant may have sufficient time to file a pro se petition should he choose to do so.

4. Defendant is currently incarcerated.

WHEREFORE, PREMISES CONSIDERED, appellant respectfully requests an extension of 30 days, to allow appellant to file a petition for discretionary review.

Respectfully submitted,

McLaughlin, Hutchison & Biard, LLP
38 1st NW
Paris, TX 75460
Tel: (903) 785-1606
Fax: (903) 785-7580
Email: dbiard@att.net

By: /s/Don Biard

Don Biard
State Bar No. 24047755
Attorney for Christian Vernon Sims

CERTIFICATE OF SERVICE

This is to certify that on August 25, 2017, a true and correct copy of the above and foregoing document was served on the District Attorney's Office, Lamar County, 100 N. Main Street, Paris, Texas 75460, via email at gyoung@co.lamar.tx.us.

/s/Don Biard

Don Biard

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Christian Vernon Sims
209 7706
1385 FM 338 S
Palestine, Texas 75803



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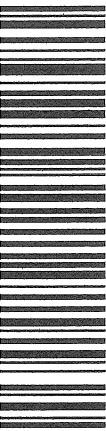
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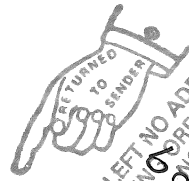
McLaughlin, Hutchison & Biard, LLP
38 First Street Northwest
Paris, Texas 75460

Christian Vernon Sims

#2097700

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